

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (CGM)

SIPA Liquidation

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the
Liquidation of Bernard L. Madoff Investment
Securities LLC, and Bernard L. Madoff,

Plaintiff,

v.

CRÉDIT AGRICOLE CORPORATE AND
INVESTMENT BANK d/b/a CRÉDIT
AGRICOLE PRIVATE BANKING MIAMI,
f/k/a CALYON S.A. d/b/a CRÉDIT
AGRICOLE MIAMI PRIVATE BANK
SUCCESSOR IN INTEREST TO CREDIT
LYONNAIS S.A.,

Defendant.

Adv. Pro. No. 12-01670 (CGM)

ORAL ARGUMENT REQUESTED

NOTICE OF MOTION TO DISMISS

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support of Crédit Agricole Corporate and Investment Bank's d/b/a Crédit Agricole Private Banking Miami, f/k/a Calyon S.A. d/b/a Crédit Agricole Miami Private Bank successor in interest to

Credit Lyonnais S.A. (“Crédit Agricole Miami” or “Defendant”) Motion to Dismiss the Complaint in the above-captioned action, the Declaration of Elizabeth Vicens dated as of the date hereof and exhibits thereto, and all prior pleadings and proceedings herein, Defendant Credit Agricole Miami will move this Court for an order dismissing the Complaint filed by Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, pursuant to Rules 12(b)(2) and 12(b)(6) of the Federal Rules of Civil Procedure, made applicable here by Rule 7012 of the Federal Rules of Bankruptcy Procedure.

PLEASE TAKE FURTHER NOTICE that, pursuant to Rule 7012(b) of the Federal Rules of Bankruptcy Procedure, Defendant does not consent to the entry of final orders or judgment by this Court.

Dated: July 18, 2022
New York, New York

Respectfully submitted,

**CLEARY GOTTlieb STEEN &
HAMILTON LLP**

By: /s/ Elizabeth Vicens

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Investment Bank d/b/a Crédit Agricole Private
Banking Miami, f/k/a Calyon S.A. d/b/a Crédit
Agricole Miami Private Bank successor in
interest to Credit Lyonnais S.A.*

TO: All Counsel of Record